
Traffic Safety Conference

Issues in Tort Claims

August 20, 2008
Wilmington, N.C.

DISCOVERY SANCTIONS

□ JUDGE et al v. DOT





all documents within the possession, custody, or control at the level of the Chief Engineer and Deputy Engineer of the NCDOT.

7. Maintenance condition assessments, materials published by AASHTO, NHI and FHWA, maintenance bulletins, skill-based pay materials, training guides, roadway design standards, web-based materials regarding highway maintenance, materials within the NCDOT research library, documents maintained by the NCDOT Transportation Research Board, and documents published by ITRE, data from the Secondary Roads Database, pavement condition surveys, route condition reports, maintenance level of service surveys, traffic service materials regarding signage, and NCDOT maintenance course materials.

III. Defendant is ordered to do a department-wide search and production for all items ordered produced which includes, but is not limited to the level of Chief Engineer and Deputy Engineer of the NCDOT.

IV. Defendant's failure to make production and to comply with this Order will result in further and more serious sanctions.

Sanction Attorneys' Fees

\$84,000.00

Lost and Found

Clayton v. DOT

Batts v. DOT

THE SIGN



THE SMOKING GUN

-5-20-00 Received stop sign
call at 7:30 pm that said there
was a stop sign down at
Evansdale and Old Stantonburg Rd.
I went out there and put up
a new stop sign at 7:50 pm.

-5-22-00 We were on our way
to Stantonburg and ran up on a
stop sign that was down at 2220
Bloodbridge. We stopped and put up
a new stop sign at 10:05 pm.

-5-25-00 We were going
on Upchurch Rd and we saw
a stop sign down at 13302
1331. We stopped and put up
a new stop sign at 9:00 am.

-5-27-00 5:30
911 call said Branches
of trees were in the way of
a stop sign at 1339 in Elm
City. Put up a temp. stop
sign on left side of road
up til branches can be cut.

-5-30-00 Went to fix an old
stop sign crossing. We couldn't
cut the branches so we added
a stop sign to the left side of
the road at 1339 + 301 business.

-5-30-00 We were on our way to
Stantonburg and saw a stop sign
ripped off the post at Grimley St
Rd + Old Stantonburg Rd. We stopped
and put up a new one at 9:35 am.

-6-1-00 Call stop sign
at Horing and London Ch. Rd.
Ran a Put Back up at
4:10.

-6-2-00 911 called said
stop sign at Lonebon Ch. Rd.
+ West Langley was down
11:40 pm. Some one pulled
sign up. Put Back up
at 12:05 pm.

-6-7-00 We were checking the
county and came up on a stop
sign down at 1526 + 223. We stopped
and put up a new one at 10:00 am.

COST OF THE SMOKING GUN

- ☐ Clayton Default
- ☐ Batts Court of Appeals
 - Possible total loss to DOT
 - ☐ \$700,000

Case Trends

-
- ☐ Low Shoulders
 - ☐ Signage
 - ☐ MUTCD Violations
 - ☐ Railroad Crossings
-

INVESTIGATIONS

- ☐ Photos – All approaches, video best
 - ☐ Surveys
 - ☐ Pictures of all signage front and back
 - ☐ Drop offs need to scale, ruler etc.
-

Press Contacts and Random Questions

- ☐ Mea Culpa
 - ☐ Do you know who is asking the question?
-

Phillips v. DOT Good News

- ☐ Drop Off
 - ☐ No Notice
 - ☐ No Liability
-

Public Duty Doctrine

□ HB 1113

- Act to Limit the Use of the Public Duty Doctrine
 - May be asserted where the alleged negligent failure was to perform a health or safety inspection
-